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6 **UNITED STATES DISTRICT COURT**  
7 **CENTRAL DISTRICT OF CALIFORNIA**

8 UNITED STATES OF AMERICA, }  
9 Plaintiff, } CASE NO. CR 12-1014-ABC  
10 v. }  
11 } ORDER OF DETENTION  
12 JOHN WINSTON BOONE, }  
13 Defendant. }  
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16 I.

17 A. ( ) On motion of the Government in a case allegedly involving:  
18     1. ( ) a crime of violence.  
19     2. ( ) an offense with maximum sentence of life imprisonment or death.  
20     3. ( ) a narcotics or controlled substance offense with maximum sentence  
21         of ten or more years .  
22     4. ( ) any felony - where the defendant has been convicted of two or more  
23         prior offenses described above.  
24     5. ( ) any felony that is not otherwise a crime of violence that involves a  
25         minor victim, or possession or use of a firearm or destructive device  
26         or any other dangerous weapon, or a failure to register under 18  
27         U.S.C § 2250.  
28 B. ( ) On motion by the Government / ( ) on Court's own motion, in a case

1 allegedly involving:

2 ( ) On the further allegation by the Government of:

3 1. ( ) a serious risk that the defendant will flee.

4 2. ( ) a serious risk that the defendant will:

5 a. ( ) obstruct or attempt to obstruct justice.

6 b. ( ) threaten, injure, or intimidate a prospective witness or juror or  
7 attempt to do so.

8 C. The Government ( ) is/ ( ) is not entitled to a rebuttable presumption that no  
9 condition or combination of conditions will reasonably assure the defendant's  
10 appearance as required and the safety of any person or the community.

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12 II.

13 A. (X) The Court finds that no condition or combination of conditions will  
14 reasonably assure:

15 1. ( ) the appearance of the defendant as required.

16 ( ) and/or

17 2. (X) the safety of any person or the community.

18 B. (X) The Court finds that the defendant has not rebutted by sufficient  
19 evidence to the contrary the presumption provided by statute.

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21 III.

22 The Court has considered:

23 A. the nature and circumstances of the offense(s) charged, including whether the  
24 offense is a crime of violence, a Federal crime of terrorism, or involves a minor  
25 victim or a controlled substance, firearm, explosive, or destructive device;

26 B. the weight of evidence against the defendant;

27 C. the history and characteristics of the defendant; and

28 D. the nature and seriousness of the danger to any person or to the community.

1 IV.

2 The Court also has considered all the evidence adduced at the hearing and the  
3 arguments and/or statements of counsel, and the Pretrial Services  
4 Report/recommendation.

5 V.

6 The Court bases the foregoing finding(s) on the following:

7 A. ( ) As to flight risk: \_\_\_\_\_

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9 \_\_\_\_\_  
10 \_\_\_\_\_  
11 \_\_\_\_\_  
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13 B. ( X ) As to danger: The defendant's repeated attempts to defraud. Even if  
14 these predated his initial detention hearing, they were unknown to the  
15 Magistrate Court at the time of his hearing. In addition, risk of flight  
16 is increased because of a new criminal filing versus the defendant and  
17 a new civil filing against him. The defendant's repeated violations of  
18 the terms of his pretrial release, specifically, his repeated use of the  
19 internet and his failure to inform Pretrial Services that his employment  
20 had been terminated, also justify his detention. --His alleged  
21 falsification of an email in connection with a related case adds an  
22 additional ground.

23 A. ( ) The Court finds that a serious risk exists that the defendant will:

24 1. ( ) obstruct or attempt to obstruct justice.  
25 2. ( ) attempt to/ ( ) threaten, injure or intimidate a witness or juror.

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1           B. The Court bases the foregoing finding(s) on the following: \_\_\_\_\_  
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VII.

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11           A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.  
12           B. IT IS FURTHER ORDERED that the defendant be committed to the custody  
13           of the Attorney General for confinement in a corrections facility separate, to  
14           the extent practicable, from persons awaiting or serving sentences or being  
15           held in custody pending appeal.  
16           C. IT IS FURTHER ORDERED that the defendant be afforded reasonable  
17           opportunity for private consultation with counsel.  
18           D. IT IS FURTHER ORDERED that, on order of a Court of the United States  
19           or on request of any attorney for the Government, the person in charge of the  
20           corrections facility in which the defendant is confined deliver the defendant  
21           to a United States marshal for the purpose of an appearance in connection  
22           with a court proceeding.

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25           DATED: July 10, 2013

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*Anne B. Collins*  
27           UNITED STATES DISTRICT JUDGE

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